

14180-05635-JHO

MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN

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Attorney for Defendant(s), Digital Realty Trust, L.P. and
Digital 210 Tucker, LLC

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(Camden Vicinage)**

AXXA COMMERCE, LLC

Plaintiff(s),

vs.

DIGITAL REALTY TRUST, L.P.,
DIGITAL 210 TUCKER, LLC,
CAPSTAR COMMERCIAL REAL ESTATE
SERVICES, BANDWIDTH EXCHANGE
BUILDINGS, LLC d/b/a ST. LOUIS
MEET-ME-ROOM, BEB-210, LLC, and
BEB-900, LLC

Defendant(s).

CIVIL ACTION NO.: 1:09-cv-653

***DEFENDANTS' NOTICE OF MOTION TO
DISMISS FOR LACK OF
JURISDICTION OR IN THE
ALTERNATIVE TO TRANSFER***

TO: Steven Scherzer, Esq.
Cooper Levenson
1125 Atlantic Avenue
Atlantic City, New Jersey 08401
Attorneys for Plaintiff

Elizabeth Hampton, Esq.
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1811 Haddonfield-Berlin Road
Cherry Hill, New Jersey 08003
*Attorneys for Defendants Bandwidth Exchange Buildings, LLC
d/b/a/ St. Louis Meet-Me-Room, BEB-210, LLC & BEB-900, LLC*

PLEASE TAKE NOTICE that on May 18, 2009 at 9:00 a.m. or as soon thereafter as counsel may be heard, the undersigned, attorney for Defendants, Digital Realty Trust, L.P. and Digital 210 Tucker, LLC will move before the above-mentioned court at the U.S. District Court of New Jersey, in Camden, New Jersey, for an Order Dismissing Plaintiff's Complaint or in the Alternative to Transfer Venue.

PLEASE TAKE FURTHER NOTICE that movants will rely upon the attached Certification of Glenn Benoist, Brief and Certification of Exhibits in support of this Motion.

Movants have annexed a proposed form of Order.

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By: /s/ Matthew J. Behr
MATTHEW J. BEHR, ESQUIRE
Attorney for Defendants,
Digital Realty Trust, L.P.
and Digital 210 Tucker, LLC

DATED: April 21, 2009

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